

Applicant : John David Fraser et al
Serial No. : 10/006,797
Filed : December 4, 2001
Page : 7 of 7

Attorney's Docket No.: 12669-002001 / MK504269-003

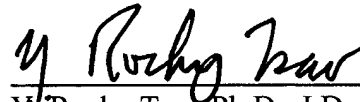
REMARKS

Applicants hereby submit that the enclosures fulfill the requirements under 37 CFR § 1.821-1.825. The amendments in the specification merely insert the paper copy of the Sequence Listing and sequence identifiers in the specification. I hereby state that this submission, filed in accordance with 37 CFR § 1.821(g), does not contain new matter.

Please apply any charges to deposit account 06-1050, referencing attorney-docket 12669-002001.

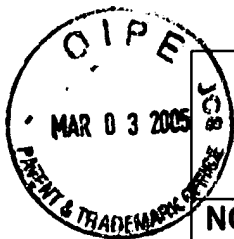
Respectfully submitted,

Date: 3-1-05



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Reg. No. 34,053

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Notice to Comply

Application No.

Applicant(s)

Examiner

G.R.Ewoldt, Ph.D.

Art Unit

1644

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: see enclosed communication

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John David Fraser et al
Serial No. : 10/006,797
Filed : December 4, 2001
Title : IMMUNOMODULATORY CONSTRUCTS AND THEIR USES

Art Unit : 1644
Examiner : Gerald R. Ewoldt

MAIL STOP SEQUENCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VERIFIED STATEMENT UNDER 37 CFR §1.821(f)

I, Katica Magovcevic, declare that I personally prepared the paper and the computer-readable copy of the Sequence Listing filed herewith for the above-identified application and that the content of both is the same.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of The United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 2/24/2005

Katica Magovcevic

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21033651.doc

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

March 1, 2005
Date of Deposit
Gerald R. Ewoldt
Signature
DEBORAH R. WAST
Typed or Printed Name of Person Signing Certificate



SEQUENCE LISTING

<110> Fraser, John David
Nicholson, Melissa Joy

<120> Immunomodulatory Constructs And Their
Uses

<130> 12669-002001

<140> US 10/006,797

<141> 2001-12-04

<150> US 60/251,243

<151> 2000-12-04

<160> 22

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<211> 621

<212> DNA

<213> Streptococcus pyogenes

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actcaaaaat atagagggaa agactattat attagttccg aaatgtctta tgaggcctct 180
caaaaattta aacgagatga tcatgtagat gtttttggat tattttatat tcttaattct 240
cacaccggtg agtacatcta tggaggaatt acgcctgctc aaaataataa agtaaatacat 300
aaattattgg gaaatctatt tatttcggga gaatctcaac agaacttaaa taacaagatt 360
attctagaaa aggatatcgt aactttccag gaaattgact ttaaaatcag aaaatacctt 420
atggataatt ataaaattta tgacgctact tctccttatg taagcggcag aatcgaaatt 480
ggcacaaaag atgggaaaca tgagcaaata gacttatttg actcaccaa tgaagggact 540
agatcagata tttttgcaa atataaagat aatagaatta tcaatatgaa gaactttagt 600
catttcgata tttatcttga a                                     621
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<212> PRT

<213> Streptococcus pyogenes

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 20             25             30
Thr Thr His Thr Leu Asn Ile Asp Thr Gln Lys Tyr Arg Gly Lys Asp
 35             40             45
Tyr Tyr Ile Ser Ser Glu Met Ser Tyr Glu Ala Ser Gln Lys Phe Lys
 50             55             60
Arg Asp Asp His Val Asp Val Phe Gly Leu Phe Tyr Ile Leu Asn Ser
 65             70             75             80
His Thr Gly Glu Tyr Ile Tyr Gly Gly Ile Thr Pro Ala Gln Asn Asn
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				85					90					95			
Lys	Val	Asn	His	Lys	Leu	Leu	Gly	Asn	Leu	Phe	Ile	Ser	Gly	Glu	Ser		
			100					105					110				
Gln	Gln	Asn	Leu	Asn	Asn	Lys	Ile	Ile	Leu	Glu	Lys	Asp	Ile	Val	Thr		
		115					120					125					
Phe	Gln	Glu	Ile	Asp	Phe	Lys	Ile	Arg	Lys	Tyr	Leu	Met	Asp	Asn	Tyr		
	130					135					140						
Lys	Ile	Tyr	Asp	Ala	Thr	Ser	Pro	Tyr	Val	Ser	Gly	Arg	Ile	Glu	Ile		
145					150					155					160		
Gly	Thr	Lys	Asp	Gly	Lys	His	Glu	Gln	Ile	Asp	Leu	Phe	Asp	Ser	Pro		
			165					170						175			
Asn	Glu	Gly	Thr	Arg	Ser	Asp	Ile	Phe	Ala	Lys	Tyr	Lys	Asp	Asn	Arg		
		180						185					190				
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 actcaaaaaat atagagggaa agactattat attagttccg aaatgtctta tgaggcctct 180
 caaaaattta aacgagatga tcatgtagat gtttttgat tattttatat tctttgttct 240
 cacaccggtg agtacatcta tggaggaatt acgcctgctc aaaataataa agtaaatcat 300
 aaattatttg gaaatctatt tatttcggga gaatctcaac agaacttaaa taacaagatt 360
 attctagaaa aggatatcgt aactttccag gaaattgact ttaaaatcag aaaatacctt 420
 atggataatt ataaaattta tgacgctact tctccttatg taagcggcag aatcgaaatt 480
 ggcacaaaag atgggaaaca tgagcaaata gacttatttg actcaccaa tgaagggact 540
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 <223> Combined mutants

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 35 40 45
 Tyr Tyr Ile Ser Ser Glu Met Ser Tyr Glu Ala Ser Gln Lys Phe Lys
 50 55 60
 Arg Asp Asp His Val Asp Val Phe Gly Leu Phe Tyr Ile Leu Cys Ser
 65 70 75 80

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His Thr Gly Glu Tyr Ile Tyr Gly Gly Ile Thr Pro Ala Gln Asn Asn
      85                      90                      95
Lys Val Asn His Lys Leu Leu Gly Asn Leu Phe Ile Ser Gly Glu Ser
      100                    105                    110
Gln Gln Asn Leu Asn Asn Lys Ile Ile Leu Glu Lys Asp Ile Val Thr
      115                    120                    125
Phe Gln Glu Ile Asp Phe Lys Ile Arg Lys Tyr Leu Met Asp Asn Tyr
      130                    135                    140
Lys Ile Tyr Asp Ala Thr Ser Pro Tyr Val Ser Gly Arg Ile Glu Ile
      145                    150                    155                    160
Gly Thr Lys Asp Gly Lys His Glu Gln Ile Asp Leu Phe Asp Ser Pro
      165                    170                    175
Asn Glu Gly Thr Gln Ser Asp Ile Phe Ala Lys Tyr Lys Asp Asn Arg
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<210> 5
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<223> Synthetic construct

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tac act ata act cct atc gaa ggt cgt acg cct gct caa aat aat aaa      96
Tyr Thr Ile Thr Pro Ile Glu Gly Arg Thr Pro Ala Gln Asn Asn Lys
      20                      25                      30

gta aat cat aaa tta ttg gga aat cta ttt att tcg gga gaa tct caa      144
Val Asn His Lys Leu Leu Gly Asn Leu Phe Ile Ser Gly Glu Ser Gln
      35                      40                      45

cag aac tta aat aac aag att att cta gaa aag gat acc gta act ttc      192
Gln Asn Leu Asn Asn Lys Ile Ile Leu Glu Lys Asp Thr Val Thr Phe
      50                      55                      60

cag gaa att gac ttt aaa atc aga aaa tac ctt atg gat aat tat aaa      240
Gln Glu Ile Asp Phe Lys Ile Arg Lys Tyr Leu Met Asp Asn Tyr Lys
      65                      70                      75                      80

att tat gac gct act tct cct tat gta agc ggc aga atc gaa att ggc      288
Ile Tyr Asp Ala Thr Ser Pro Tyr Val Ser Gly Arg Ile Glu Ile Gly
      85                      90                      95

aca aaa gat gga aaa cat gag caa ata gac tta ttt gac tca cca aat      336
Thr Lys Asp Gly Lys His Glu Gln Ile Asp Leu Phe Asp Ser Pro Asn

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Glu Gly Thr Arg Ser Asp Ile Phe Ala Lys Tyr Lys Asp Asn Arg Ile			
115	120	125	
atc aat atg aag aac ttt agt cat ttc gat att tat ctt gaa aaa			429
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taa			432

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 35 40 45
 Gln Asn Leu Asn Asn Lys Ile Ile Leu Glu Lys Asp Thr Val Thr Phe
 50 55 60
 Gln Glu Ile Asp Phe Lys Ile Arg Lys Tyr Leu Met Asp Asn Tyr Lys
 65 70 75 80
 Ile Tyr Asp Ala Thr Ser Pro Tyr Val Ser Gly Arg Ile Glu Ile Gly
 85 90 95
 Thr Lys Asp Gly Lys His Glu Gln Ile Asp Leu Phe Asp Ser Pro Asn
 100 105 110
 Glu Gly Thr Arg Ser Asp Ile Phe Ala Lys Tyr Lys Asp Asn Arg Ile
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22

<210> 9

<211> 20

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<210> 10

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<210> 12

<211> 26

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